

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 030805

46

ORIGIN L-02

INFO OCT-01 ARA-06 ISO-00 SSO-00 COA-01 DLOS-03 EB-07

COME-00 CG-00 DOTE-00 INRE-00 CIAE-00 INR-07 NSAE-00

PM-03 SCA-01 SCS-03 SS-15 NSC-05 NSCE-00 DODE-00 /054 R

DRAFTED BY L/ARA - DAGANTZ:GFH

APPROVED BY ARA - HARRY W. SHLAUDEMAN

L/OES - MBWEST (DRAFT)

L/C: FKWIATEK (DRAFT)

ARA-LA/EP - JFKING

OES/OFA- TACLINGAN

----- 110836

O 111734Z FEB 75

FM SECSTATE WASHDC

TO AMEMBASSY QUITO IMMEDIATE

INFO AMCONSUL GUAYAQUIL IMMEDIATE

LIMITED OFFICIAL USE STATE 030805

E.O. 11652: N/A

TAGS: PFOR, EFIS, EC, US

SUBJECT: TUNA BOAT SEIZURES - PROPOSED LETTER TO MNR

REF: QUITO 991

1. LETTER PROPOSED REFTEL RAISES TWO PROBLEMS: OUR GENERAL RELUCTANCE TO GIVE THE GOE ANYTHING THAT MIGHT SEEM TO INDICATE USG ACQUIESCENCE IN CONFISCATION OF CATCH OR BUYBACK OF CATCH BY BOAT OWNERS, AND DESIRE TO AVOID REENFORCING POSITION OF OWNERS THAT CONFISCATION/BUYBACK COSTS SHOULD BE REEMBURSED UNDER SECTION 3 OF FPA (AS FEE PAID IN ORDER TO SECURE PROMPT RELEASE OF VESSEL AND CREW), RATHER THAN UNDER SECTION 7 (MARKET VALUE OF CONFISCATED CATCH). HOWEVER, IF EMBASSY BELIEVES THAT LETTER MAKING REFERENCE TO BUYBACK SCHEME IS ESSENTIAL, WE BELIEVE USG POSITION ON BOTH ISSUES CAN BE PRO-

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 030805

TECTED BY CHANGES AND ADDITIONS TO TEXT OF LETTER GIVEN

PARA 2 BELOW. (WE MAY WISH TO MAKE ADDITIONAL FORMAL DEMARCHE LATER, AGAIN INDICATING OUR VIEW THAT CONFISCATION OR BUYBACK APPROACH CONSTITUTES VIOLATION OF INTERNATIONAL LAW AND IS TOTALLY UNACCEPTABLE TO US.)

2. FOLLOWING CHANGES SHOULD BE MADE IN LETTER: (A) AFTER THE FIRST SENTENCE ADD THE FOLLOWING SENTENCE: QUOTE OFFICIALS OF THE GOE ARE AWARE OF THE POSITION OF THE USG WITH RESPECT TO THE DETENTION OF THOSE VESSELS AND

RELATED ISSUES UNQUOTE. (B) THE SENTENCE BEGINNING QUOTE I FURTHER UNDERSTAND THAT AMONG THE POSSIBILITIES BEING EXPLORED IS A PROVISION WHEREBY THE VESSELS WOULD BE PERMITTED TO DEPART RETAINING THE CATCH ON BOARD AT THE TIME OF THEIR DETENTION, PROVIDED ARRANGEMENTS ARE MADE THAT ARE OTHERWISE CONSISTENT WITH ECUADOREAN LAW AS INTERPRETED BY THE GOE UNQUOTE.

3. FYI. WHILE WE HAVE NO REPEAT NO OBJECTION TO DELIVERY OF LETTER AS AMENDED TO GOE IF THIS WILL SPEED RELEASE OF VESSELS, EMBASSY SHOULD INFORM INDUSTRY REPRESENTATIVES THAT IN DEPARTMENT'S VIEW LETTER IN NO WAY CHANGES DEPARTMENT'S INTERPRETATION THAT CONFISCATION BUYBACK FALLS UNDER SECTION 7 RATHER THAN SECTION 3 OF FPA. DEPARTMENT HAS ALREADY ADVISED TUNABOAT ASSOCIATION OF THIS INTERPRETATION. END FYI. INGERSOLL

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TUNA, SHIP DETENTION, CONFISCATION, DIPLOMATIC COMMUNICATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE030805
Document Source: CORE
Document Unique ID: 00
Drafter: DAGANTZ:GFH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750049-0826
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750253/aaaabviy.tel
Line Count: 88
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 QUITO 991
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 10 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 SEP 2003 by ElyME>; APPROVED <04 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TUNA BOAT SEIZURES - PROPOSED LETTER TO MNR
TAGS: PFOR, EFIS, EC, US
To: QUITO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006